CHAPTER 420f*

PALLIATIVE USE OF MARIJUANA

*See Secs. 21a-421q and 21a-421r re dispensing of cannabis to qualifying patients and caregivers.

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Note: Readers should refer to the 2026 Supplement, revised to January 1, 2026, for updated versions of statutes amended, repealed or added during the 2025 legislative sessions.

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Sec. 21a-408. Definitions. As used in this section, sections 21a-408a to 21a-408o, inclusive, and sections 21a-408r to 21a-408w, inclusive, unless the context otherwise requires:

(1) "Advanced practice registered nurse" means an advanced practice registered nurse licensed pursuant to chapter 378;

(2) "Cannabis establishment" has the same meaning as provided in section 21a-420;

(3) "Cannabis testing laboratory" means a person who (A) is located in this state, (B) is licensed by the department to analyze marijuana, and (C) meets the licensure requirements established in section 21a-408r and the regulations adopted pursuant to subsection (d) of section 21a-408r;

(4) "Cannabis testing laboratory employee" means a person who is (A) employed at a cannabis testing laboratory, and (B) registered pursuant to section 21a-408r and the regulations adopted pursuant to subsection (d) of section 21a-408r;

(5) "Caregiver" means a person, other than the qualifying patient and the qualifying patient's physician, physician assistant or advanced practice registered nurse, who is eighteen years of age or older and has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to

the palliative use of marijuana, provided (A) in the case of a qualifying patient (i) under eighteen years of age and not an emancipated minor, or (ii) otherwise lacking legal capacity, such person shall be a parent, guardian or person having legal custody of such qualifying patient, and (B) in the case of a qualifying patient eighteen years of age or older or an emancipated minor, the need for such person shall be evaluated by the qualifying patient's physician, physician assistant or advanced practice registered nurse and such need shall be documented in the written certification;

(6) "Cultivation" includes planting, propagating, cultivating, growing and harvesting;

(7) "Debilitating medical condition" means (A) cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy or uncontrolled intractable seizure disorder, cachexia, wasting syndrome, Crohn's disease, posttraumatic stress disorder, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis or terminal illness requiring end-of-life care, except, if the qualifying patient is under eighteen years of age, "debilitating medical condition" means terminal illness requiring end-of-life care, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled intractable seizure disorder, or (B) any medical condition, medical treatment or disease approved for qualifying patients by the Department of Consumer Protection and posted online pursuant to section 21a-408*l*;

(8) "Dispensary facility" means a place of business where marijuana may be dispensed, sold or distributed in accordance with this chapter and any regulations adopted thereunder to qualifying patients and caregivers and for which the department has issued a dispensary facility license pursuant to this chapter;

(9) "Employee" has the same meaning as provided in section 21a-420;

(10) "Institutional animal care and use committee" means a committee that oversees an organization's animal program, facilities and procedures to ensure compliance with federal policies, guidelines and principles related to the care and use of animals in research;

(11) "Institutional review board" means a specifically constituted review body established or designated by an organization to protect the rights and welfare of persons recruited to participate in biomedical, behavioral or social science research;

(12) "Licensed dispensary" or "dispensary" means an individual who is a licensed pharmacist employed by a dispensary facility or hybrid retailer;

(13) "Marijuana" has the same meaning as provided in section 21a-240;

(14) "Nurse" means a person who is licensed as a nurse under chapter 378;

(15) "Palliative use" means the acquisition, distribution, transfer, possession, use or transportation of marijuana or paraphernalia relating to marijuana, including the transfer of marijuana and paraphernalia relating to marijuana from the patient's caregiver to the qualifying patient, to alleviate a qualifying patient's symptoms of a debilitating medical condition or the effects of such symptoms, but does not include any such use of marijuana by any person other than the qualifying patient;

(16) "Paraphernalia" means drug paraphernalia, as defined in section 21a-240;

(17) "Physician" means a person who is licensed as a physician under chapter 370;

(18) "Physician assistant" means a person who is licensed as a physician assistant under chapter 370;

(19) "Producer" means a person who is licensed as a producer pursuant to section 21a-408i;

(20) "Qualifying patient" means a person who (A) is a resident of Connecticut, (B) has been diagnosed by a physician, physician assistant or advanced practice registered nurse as having a debilitating medical condition, and (C) (i) is eighteen years of age or older, (ii) is an emancipated minor, or (iii) has written consent from a custodial parent, guardian or other person having legal custody of such person that indicates that such person has permission from such parent, guardian or other person for the palliative use of marijuana for a debilitating medical condition and that such parent, guardian or other person will (I) serve as a caregiver for the qualifying patient, and (II) control the acquisition and possession of marijuana and any related paraphernalia for palliative use on behalf of such person. "Qualifying patient" does not include an inmate confined in a correctional institution or facility under the supervision of the Department of Correction;

(21) "Research program" means a study approved by the Department of Consumer Protection in accordance with this chapter and undertaken to increase information or knowledge regarding the growth or processing of marijuana, or the medical attributes, dosage forms, administration or use of marijuana to treat or alleviate symptoms of any medical conditions or the effects of such symptoms;

(22) "Research program employee" means a person who (A) is registered as a research program employee under section 21a-408t, or (B) holds a temporary certificate of registration issued pursuant to section 21a-408t;

(23) "Research program subject" means a person registered as a research program subject pursuant to section 21a-408v;

(24) "Usable marijuana" means the dried leaves and flowers of the marijuana plant, and any mixtures or preparations of such leaves and flowers, that are appropriate for the palliative use of marijuana, but does not include the seeds, stalks and roots of the marijuana plant; and

(25) "Written certification" means a written certification issued by a physician, physician assistant or advanced practice registered nurse pursuant to section 21a-408c.

(P.A. 12-55, S. 1; P.A. 16-23, S. 1; 16-39, S. 47; June Sp. Sess. P.A. 21-1, S. 66; P.A. 22-103, S. 11; P.A. 23-79, S. 11; P.A. 24-76, S. 2; 24-115, S. 3.)

History: P.A. 12-55 effective May 31, 2012; P.A. 16-23 added reference to Secs. 21a-408r to 21a-408v in introductory language, added definitions of "institutional animal care and use committee", "institutional review board", "laboratory", "laboratory employee", "nurse", "research program", "research program employee" and "research program subject", redefined "debilitating medical condition", "primary caregiver", and "qualifying patient", and made technical changes; P.A. 16-39 defined "advanced practice registered nurse" and added references to advanced practice registered nurse in definitions of "primary caregiver", "qualifying patient" and "written certification", effective January 1, 2017; June Sp. Sess. P.A. 21-1 added Subdiv. (2) defining "cannabis establishment", redesignated existing Subdivs. (2) and (3) as Subdivs. (3) and (4), amended redesignated Subdiv. (4) redefining "medical condition" to replace reference to regulations adopted under Sec. 21a-408m with reference to posting online pursuant to Sec. 21a-408*l*, added Subdiv. (5) defining "dispensary facility", added Subdiv. (6) defining "employee", redesignated existing Subdivs.(4) to (21) as Subdivs. (7) to (24), amended redesignated Subdiv. (9) to redefine "laboratory", amended redesignated Subdiv. (10) to redefine "laboratory employee" by replacing "licensed" with "registered" and deleting reference to temporary certificate of registration, amended redesignated Subdiv. (11) to redefine "licensed dispensary", amended redesignated Subdiv. (12) to define "producer" rather than "licensed producer", amended redesignated Subdiv. (15) by deleting "primary" before "caregiver", amended redesignated Subdiv. (18) to define "caregiver" rather than "primary caregiver", amended redesignated Subdiv. (20) to redefine "research program" and amended redesignated Subdiv. (21) to replace "licensed" with "registered"; P.A. 22-103 amended Subdiv. (17) to redefine "physician", added new Subdiv. (18) defining "physician assistant", redesignated existing Subdivs. (18) to (24) as Subdivs. (19) to (25), amended redesignated Subdivs. (19), (20) and (25) to redefine "caregiver", "qualifying patient" and "written certification", and made technical and conforming changes, effective

July 1, 2022; P.A. 23-79 added definitions of "cannabis testing laboratory" and "cannabis testing laboratory employee" in Subdivs. (3) and (4), respectively, redesignated existing definition of "caregiver" in Subdiv. (19) as Subdiv. (5), redesignated existing Subdivs. (3) to (8) as Subdivs. (6) to (11), deleted former Subdivs. (9) and (10) defining "laboratory" and "laboratory employee", respectively, redesignated existing Subdiv. (11) as Subdiv. (12) and redesignated existing definition of "producer" in Subdiv. (12) as Subdiv. (19), effective July 1, 2023; P.A. 24-76 added reference to Sec. 21a-408w in introductory language, and made technical and conforming changes in Subdivs. (13) and (20), effective July 1, 2024; P.A. 24-115 made identical technical and conforming changes as P.A. 24-76 in Subdivs. (13) and (20).

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Sec. 21a-408a. Qualifying patient not subject to arrest, prosecution or certain other penalties. Requirements. Exceptions. (a) A qualifying patient shall register with the Department of Consumer Protection pursuant to section 21a-408d prior to engaging in the palliative use of marijuana. A qualifying patient who has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d and complies with the requirements of sections 21a-408 to 21a-408m, inclusive, shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the palliative use of marijuana if:

(1) The qualifying patient's physician, physician assistant or advanced practice registered nurse has issued a written certification to the qualifying patient for the palliative use of marijuana after the physician, physician assistant or advanced practice registered nurse has prescribed, or determined it is not in the best interest of the patient to prescribe, prescription drugs to address the symptoms or effects for which the certification is being issued;

(2) The combined amount of marijuana possessed by the qualifying patient and the caregiver for palliative use does not exceed five ounces;

(3) The qualifying patient has not more than one caregiver at any time; and

(4) Any cannabis plants grown by the qualifying patient in his or home is in compliance with subsection (b) of section 21a-408d and any applicable regulations.

(b) The provisions of subsection (a) of this section do not apply to:

(1) Any palliative use of marijuana that endangers the health or well-being of a person other than the qualifying patient or the caregiver; or

(2) The ingestion of marijuana (A) in a motor bus or a school bus or in any other moving vehicle, (B) in the workplace, (C) on any school grounds or any public or private school, dormitory, college or university property, unless such college or university is participating in a research program and such use is pursuant to the terms of the research program, (D) in any public place, or (E) in the presence of a person under the age of eighteen, unless such person is a qualifying patient or research program subject. For the purposes of this subdivision, (i) "presence" means within the direct line of sight of the palliative use of marijuana or exposure to second-hand marijuana smoke, or both; (ii) "public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests; (iii) "vehicle" means a vehicle, as defined in section 14-1; (iv) "motor bus" means a motor bus, as defined in section 14-1; and (v) "school bus" means a school bus, as defined in section 14-1.

(P.A. 12-55, S. 2; P.A. 16-23, S. 2; 16-39, S. 48; June Sp. Sess. P.A. 21-1, S. 67; P.A. 22-103, S. 12.)

History: P.A. 16-23 amended Subsec. (b)(2) by adding provision re college or university participating in research program in Subpara. (C) and adding provision re qualifying patient or research program subject

in Subpara. (E); P.A. 16-39 amended Subsec. (a)(1) by adding references to advanced practice registered nurse, effective January 1, 2017; June Sp. Sess. P.A. 21-1 amended Subsec. (a) by replacing reference to Sec. 21a-408n with Sec. 21a-408m, deleting "primary" before references to caregiver, replacing reference to amount determined by department with 5 ounces in Subdiv. (2), adding Subdiv. (4) re growing of cannabis plants and amended Subsec. (b) by deleting "primary" before reference to caregiver, effective July 1, 2021; P.A. 22-103 amended Subsec. (a)(1) by adding references to physician assistants, effective July 1, 2022.

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Sec. 21a-408b. Caregiver not subject to arrest, prosecution or certain other penalties. Requirements. Prohibition re dispensing cannabis product in smokable, inhalable or vaporizable form. (a) No person may serve as a caregiver for a qualifying patient unless such qualifying patient has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d. A caregiver may not be responsible for the care of more than one qualifying patient at any time, except that a caregiver may be responsible for the care of more than one qualifying patient if the caregiver and each qualifying patient have a parental, grandparental, guardianship, conservatorship, spousal or sibling relationship.

(b) A caregiver who has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d and complies with the requirements of sections 21a-408 to 21a-408m, inclusive, shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the acquisition, distribution, possession or transportation of marijuana or paraphernalia related to marijuana on behalf of such caregiver's qualifying patient, provided the amount of any marijuana so acquired, distributed, possessed or transported, together with the combined amount of usable marijuana possessed by the qualifying patient and the caregiver, does not exceed five ounces. For the purposes of this subsection, "distribution" or "distributed" means the transfer of marijuana and paraphernalia related to marijuana from the caregiver to the qualifying patient.

(c) A dispensary facility shall not dispense any cannabis product, as defined in section 21a-420, in a smokable, inhalable or vaporizable form to a caregiver for a qualifying patient who is under eighteen years of age.

(P.A. 12-55, S. 3; P.A. 16-23, S. 3; June Sp. Sess. P.A. 21-1, S. 68; P.A. 23-79, S. 12.)

History: P.A. 16-23 amended Subsec. (b) by adding provision re person with valid registration certificate found in possession of marijuana that did not originate from selected dispensary and added Subsec. (c) re prohibition on dispensing marijuana product in smokable, inhalable or vaporizable form to primary caregiver for qualifying patient under 18 years of age; June Sp. Sess. P.A. 21-1 replaced references to primary caregiver with caregiver throughout, amended Subsec. (b) by replacing reference to Sec. 21a-408n with Sec. 21a-408m, deleting former Subdiv. (2) re amount obtained within this state and redesignating remaining provisions as Subsec. (b), replacing reference to amount determined by department with 5 ounces and deleting provision re person possessing marijuana not originating from selected dispensary being subject to hearing and amended Subsec. (c) by replacing "dispensary" with "dispensary facility" and "marijuana" with "cannabis product" and reference to section 21a-420, effective July 1, 2021; P.A. 23-79 amended Subsec. (a) by deleting Subdiv. designator (1), deleting former Subdiv. (2) re person convicted of violation of law pertaining to illegal manufacture, sale or distribution of controlled substance and added provisions re grandparental and spousal relationships, effective July 1, 2023.

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Sec. 21a-408c. Physician, physician assistant or advanced practice registered nurse issuance of written certification. Requirements. Not subject to arrest, prosecution or certain other penalties. Telehealth services. (a) A physician, physician assistant or advanced practice registered nurse may issue a written certification to a qualifying patient that authorizes the palliative use of marijuana by the qualifying patient. Such written certification shall be in the form prescribed by the Department of Consumer Protection and shall include a statement signed and dated by the qualifying patient's physician, physician assistant or advanced practice registered nurse stating that, in such physician's, physician assistant's or advanced practice registered nurse's professional opinion, the qualifying patient has a debilitating medical condition and the potential benefits of the palliative use of marijuana would likely outweigh the health risks of such use to the qualifying patient.

(b) Any written certification for the palliative use of marijuana issued by a physician, physician assistant or advanced practice registered nurse under subsection (a) of this section shall be valid for a period not to exceed one year from the date such written certification is signed and dated by the physician, physician assistant or advanced practice registered nurse. Not later than ten calendar days after the expiration of such period, or at any time before the expiration of such period should the qualifying patient no longer wish to possess marijuana for palliative use, the qualifying patient or the caregiver shall destroy all usable marijuana possessed by the qualifying patient and the caregiver for palliative use.

(c) A physician, physician assistant or advanced practice registered nurse shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by the Connecticut Medical Examining Board, the Connecticut State Board of Examiners for Nursing or other professional licensing board, for providing a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 21a-408a if:

(1) The physician, physician assistant or advanced practice registered nurse has diagnosed the qualifying patient as having a debilitating medical condition;

(2) The physician, physician assistant or advanced practice registered nurse has explained the potential risks and benefits of the palliative use of marijuana to the qualifying patient and, if the qualifying patient lacks legal capacity, to a parent, guardian or person having legal custody of the qualifying patient;

(3) The written certification issued by the physician, physician assistant or advanced practice registered nurse is based upon the physician's, physician assistant's or advanced practice registered nurse's professional opinion after having completed a medically reasonable assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide health care professional-patient relationship; and

(4) The physician, physician assistant or advanced practice registered nurse has no financial interest in a cannabis establishment, except for retailers and delivery services, as such terms are defined in section 21a-420.

(d) A physician assistant or nurse shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by the Connecticut Medical Examining Board, Board of Examiners for Nursing or other professional licensing board, for administering marijuana to a qualifying patient or research program subject in a hospital or health care facility licensed by the Department of Public Health.

(e) Notwithstanding the provisions of this section, sections 21a-408 to 21a-408b, inclusive, and sections 21a-408d to 21a-408o, inclusive, a physician assistant or an advanced practice registered nurse shall not

issue a written certification to a qualifying patient when the qualifying patient's debilitating medical condition is glaucoma.

(f) Notwithstanding any provision of the general statutes or any regulation of Connecticut state agencies concerning the certification of qualifying patients through telehealth services, a physician, physician assistant or advanced practice registered nurse may issue a written certification to a qualifying patient and provide any follow-up care utilizing telehealth services, provided all other requirements for issuing such written certification to the qualifying patient, including, but not limited to, all recordkeeping requirements, are satisfied.

(P.A. 12-55, S. 4; P.A. 16-23, S. 4; 16-39, S. 49; June Sp. Sess. P.A. 21-1, S. 69; P.A. 22-103, S. 13; P.A. 23-52, S. 13.)

History: P.A. 16-23 added Subsec. (d) re nurse not subject to arrest, prosecution or other penalties for administering marijuana to qualifying patient or research program subject in a licensed hospital or health care facility; P.A. 16-39 added references to advanced practice registered nurse, amended Subsec. (c) by adding reference to Connecticut State Board of Examiners for Nursing and replacing "physician-patient relationship" with "health care professional-patient relationship" in Subdiv. (3), and added provision, codified by the Revisors as Subsec. (e), prohibiting advanced practice registered nurse from issuing certification when qualifying patient's debilitating medical condition is glaucoma, effective January 1, 2017; June Sp. Sess. P.A. 21-1 amended Subsec. (b) by replacing references to primary caregiver with caregiver and amended Subsec. (c)(4) by replacing a reference to licensed dispensaries and licensed producers with cannabis establishment and adding an exception for retailers and delivery services, effective July 1, 2021; P.A. 22-103 amended Subsecs. (a) to (e) by adding references to physician assistants, amended Subsec. (d) to add reference to Connecticut Medical Examining Board, and made technical and conforming changes, effective July 1, 2022; P.A. 23-52 added Subsec. (f) re written certification and provision of follow-up care by physicians, physician assistants and advanced practice registered nurses through telehealth, effective June 13, 2023.

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Sec. 21a-408d. Qualifying patient and caregiver to register with Department of Consumer Protection. Change in information. Cultivation of cannabis plants. Prohibition re dispensing marijuana in smokable, inhalable or vaporizable form. Confidentiality of registry information. (a) Each qualifying patient who is issued a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 21a-408a, and the caregiver of such qualifying patient, shall register with the Department of Consumer Protection. Such registration shall be effective from the date the Department of Consumer Protection issues a certificate of registration until the expiration of the written certification issued by the physician, physician assistant or advanced practice registered nurse. The qualifying patient and the caregiver shall provide sufficient identifying information, as determined by the department, to establish the personal identity of the qualifying patient and the caregiver. If the qualifying patient is under eighteen years of age and not an emancipated minor, the custodial parent, guardian or other person having legal custody of the qualifying patient shall also provide a letter from both the qualifying patient's care provider and a physician who is board certified in an area of medicine involved in the treatment of the debilitating condition for which the qualifying patient was certified that confirms that the palliative use of marijuana is in the best interest of the qualifying patient. A physician may issue a written certification for the palliative use of marijuana by a qualifying patient who is under eighteen years of age, provided such written certification shall not be for marijuana in a dosage form that requires that the marijuana be smoked, inhaled or vaporized. The qualifying patient or the caregiver shall report any change in the identifying information to the department not later than five business days after such change. The department shall issue a registration certificate to the qualifying patient and to the caregiver.

(b) Any qualifying patient who is eighteen years of age or older may cultivate up to three mature cannabis plants and three immature cannabis plants in the patient's primary residence at any given time, provided such plants are secure from access by any individual other than the patient or patient's caregiver and no more than twelve cannabis plants may be grown per household.

(c) A dispensary shall not dispense any marijuana products in a smokable, inhalable or vaporizable form to a qualifying patient who is under eighteen years of age or such qualifying patient's caregiver.

(d) Information obtained under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that reasonable access to registry information obtained under this section shall be provided to: (1) State agencies, federal agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law; (2) physicians, physician assistants, advanced practice registered nurses and pharmacists for the purpose of providing patient care and drug therapy management and monitoring controlled substances obtained by the qualifying patient; (3) public or private entities for research or educational purposes, provided no individually identifiable health information may be disclosed; (4) a licensed dispensary for the purpose of complying with sections 21a-408 to 21a-408m, inclusive; (5) a qualifying patient, but only with respect to information related to such qualifying patient or such qualifying patient's caregiver; or (6) a caregiver, but only with respect to information related to such caregiver's qualifying patient.

(P.A. 12-55, S. 5; P.A. 15-244, S. 99; P.A. 16-23, S. 5; 16-39, S. 50; June Sp. Sess. P.A. 21-1, S. 70; P.A. 22-103, S. 14, 15.)

History: P.A. 15-244 amended Subsec. (a) to substitute "General Fund" for "account established pursuant to section 21a-408q", effective July 1, 2015; P.A. 16-23 amended Subsec. (a) by adding provisions re palliative use of marijuana by a qualifying patient under 18 years of age and making a technical change, added new Subsec. (b) re selection of dispensary, added Subsec. (c) re dispensing marijuana products in smokable, inhalable or vaporizable form, and redesignated existing Subsec. (b) re information obtained as Subsec. (d); P.A. 16-39 amended Subsecs. (a) and (b)(2) by adding references to advanced practice registered nurse, effective January 1, 2017; June Sp. Sess. P.A. 21-1 replaced references to primary caregiver with caregiver, deleted former Subsec. (b) re selection of licensed dispensary, added new Subsec. (b) re cultivation of cannabis plants, amended Subsec. (c) by adding reference to caregiver and amended Subsec. (d) by deleting reference to temporary registration information under Sec. 21a-408n and replacing reference to Sec. 21a-408n with Sec. 21a-408m; P.A. 22-103 amended Subsecs. (a) and (d)(2) by adding references to physician assistants, effective July 1, 2022, and further amended Subsec. (a) to delete provisions re registration fee, effective July 1, 2023.

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Sec. 21a-408e. Person not subject to arrest or prosecution solely for being in presence or vicinity of palliative use of marijuana. No person shall be subject to arrest or prosecution solely for being in the presence or vicinity of the palliative use of marijuana as permitted under sections 21a-408 to 21a-408m, inclusive.

(P.A. 12-55, S. 6; June Sp. Sess. P.A. 21-1, S. 136.)

History: June Sp. Sess. P.A. 21-1 changed a reference from Sec. 21a-408n to Sec. 21a-408m, effective July 1, 2021.

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Sec. 21a-408f. Seizure and return of marijuana, paraphernalia or other property. Exception. Any marijuana, paraphernalia relating to marijuana, or other property seized by law enforcement officials

from a qualifying patient or a caregiver in connection with the claimed palliative use of marijuana under sections 21a-408 to 21a-408m, inclusive, shall be returned to the qualifying patient or the caregiver immediately upon the determination by a court that the qualifying patient or the caregiver is entitled to the palliative use of marijuana under sections 21a-408 to 21a-408m, inclusive, as evidenced by a decision not to prosecute, a dismissal of charges or an acquittal. The provisions of this section do not apply to any qualifying patient or caregiver who fails to comply with the requirements for the palliative use of marijuana under sections 21a-408 to 21a-408m, inclusive.

(P.A. 12-55, S. 7; June Sp. Sess. P.A. 21-1, S. 71.)

History: June Sp. Sess. P.A. 21-1 replaced references to primary caregiver with caregiver and replaced references to Sec. 21a-408n with Sec. 21a-408m, effective July 1, 2021.

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Sec. 21a-408g. Fraudulent representation to law enforcement official re palliative use of marijuana or written certification. Penalty. (a) Any person who makes a fraudulent representation to a law enforcement official of any fact or circumstance relating to the palliative use of marijuana in order to avoid arrest or prosecution under chapter 420b or any other provision of the general statutes shall be guilty of a class C misdemeanor.

(b) Any person who makes a fraudulent representation to a law enforcement official of any fact or circumstance relating to the issuance, contents or validity of a written certification for the palliative use of marijuana, or a document purporting to be such a written certification, shall be guilty of a class A misdemeanor.

(P.A. 12-55, S. 8.)

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Sec. 21a-408h. Dispensaries and dispensary facilities. Licensure. Regulations. (a) No person may act as a dispensary or represent that such person is a licensed dispensary unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(b) No person may act as a dispensary facility or represent that such person is a licensed dispensary facility unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(c) The Commissioner of Consumer Protection shall determine the number of dispensary facilities appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with chapter 54, to provide for the licensure and standards for dispensary facilities in this state and specify the maximum number of dispensary facilities that may be licensed in this state. On and after the effective date of such regulations, the commissioner may license any person who applies for a license in accordance with such regulations, provided the commissioner deems such applicant qualified to acquire, possess, distribute and dispense marijuana pursuant to sections 21a-408 to 21a-408m, inclusive. At a minimum, such regulations shall:

(1) Indicate the maximum number of dispensary facilities that may be licensed in this state;

(2) Provide that no marijuana may be dispensed from, obtained from or transferred to a location outside of this state;

(3) Provide for renewal of dispensary facility licenses at least every two years;

(4) Describe areas in this state where dispensary facilities may not be located, after considering the criteria for the location of retail liquor permit premises set forth in subsection (a) of section 30-46;

(5) Establish health, safety and security requirements for dispensary facilities, which may include, but need not be limited to: (A) The ability to maintain adequate control against the diversion, theft and loss of marijuana acquired or possessed by the dispensary facility, and (B) the ability to maintain the knowledge, understanding, judgment, procedures, security controls and ethics to ensure optimal safety and accuracy in the distributing, dispensing and use of palliative marijuana;

(6) Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of dispensary facility licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182; and

(7) Establish other licensing, renewal and operational standards deemed necessary by the commissioner.

(P.A. 12-55, S. 9; P.A. 15-244, S. 100; P.A. 16-23, S. 6; June Sp. Sess. P.A. 21-1, S. 72; P.A. 23-79, S. 13; 23-166, S. 5.)

History: P.A. 12-55 effective May 31, 2012; P.A. 15-244 amended Subsec. (c) to substitute "General Fund" for "account established pursuant to section 21a-408q", effective July 1, 2015; P.A. 16-23 added Subsec. (d) re report of data by licensed dispensaries to Department of Consumer Protection; June Sp. Sess. P.A. 21-1 added new Subsec. (b) re licensure of dispensary facilities, redesignated existing Subsecs. (b) to (d) as Subsecs. (c) to (e), replaced references to dispensaries with dispensary facilities and replaced references to Sec. 21a-408n with Sec. 21a-408m, amended redesignated Subsec. (c) by deleting former Subdivs. (2) and (3) re applicant being a licensed pharmacist and number of dispensary licenses issued and deleting Subdiv. designator (1), redesignating former Subpara. (A) as Subdiv. (1), deleting former Subpara. (B) re requiring only licensed pharmacist receiving a dispensary license, redesignating existing Subparas. (C) to (I) as Subdivs. (2) to (8) and made technical changes, effective July 1, 2021; P.A. 23-79 amended Subsec. (c) by deleting former Subdiv. (3) re establishment of licensing and renewal fees for dispensary facilities, redesignating former Subdivs. (4) to (8) as Subdivs. (3) to (7) and making a conforming change in redesignated Subdiv. (3), deleted former Subsec. (d) re deposit of fees collected by Department of Consumer Protection under section and redesignated existing Subsec. (e) as Subsec. (d), effective July 1, 2023; P.A. 23-166 deleted former Subsec. (e) re data report by dispensary facilities, effective July 1, 2023.

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Sec. 21a-408i. Producers. Licensure. Regulations. Fees. (a) No person may act as a producer or represent that such person is a licensed producer unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(b) The Commissioner of Consumer Protection shall determine the number of producers appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with chapter 54, to provide for the licensure, standards and locations for producers in this state and specify the maximum number of producers that may be licensed in this state at any time. On and after the effective date of such regulations, the commissioner may license any person who applies for a license in accordance with such regulations, provided (1) such person is organized for the purpose of cultivating marijuana for palliative use in this state, (2) the commissioner finds that such applicant has appropriate expertise in agriculture and that such applicant is qualified to cultivate marijuana and sell, deliver, transport or distribute marijuana solely within this state pursuant to sections 21a-408 to 21a-408m, inclusive, and (3) the number of producer licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the commissioner pursuant to this subsection. At a minimum, such regulations shall:

(A) Indicate the maximum number of producers that may be licensed in this state at any time, which number shall not be less than three nor more than ten producers;

(B) Provide that no marijuana may be sold, delivered, transported or distributed by a producer from or to a location outside of this state;

(C) Establish a nonrefundable application fee of not less than twenty-five thousand dollars for each application submitted for a producer license;

(D) Establish a license fee and renewal fee for each licensed producer, provided the aggregate amount of such license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating producers pursuant to sections 21a-408 to 21a-408m, inclusive;

(E) Provide for renewal of such producer licenses at least every five years;

(F) Provide that no producer may cultivate marijuana for palliative use outside of this state and designate permissible locations for licensed producers in this state;

(G) Establish financial requirements for producers, under which (i) each applicant demonstrates the financial capacity to build and operate a marijuana production facility, and (ii) each licensed producer may be required to maintain an escrow account in a financial institution in this state in an amount of two million dollars;

(H) Establish health, safety and security requirements for licensed producers, which shall include, but need not be limited to, a requirement that the applicant or licensed producer demonstrate: (i) The ability to maintain adequate control against the diversion, theft and loss of marijuana cultivated by the producer, and (ii) the ability to cultivate pharmaceutical grade marijuana for palliative use in a secure indoor facility;

(I) Define "pharmaceutical grade marijuana for palliative use" for the purposes of this section;

(J) Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of producer licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182; and

(K) Establish other licensing, renewal and operational standards deemed necessary by the commissioner.

(c) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

(P.A. 12-55, S. 10; P.A. 15-244, S. 101; June Sp. Sess. P.A. 21-1, S. 137.)

History: P.A. 12-55 effective May 31, 2012; P.A. 15-244 amended Subsec. (c) to substitute "General Fund" for "account established pursuant to section 21a-408q", effective July 1, 2015; June Sp. Sess. P.A. 21-1 amended Subsecs. (b)(2) and (b)(2)(D) to change a reference from Sec. 21a-408n to Sec. 21a-408m, effective July 1, 2021.

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Sec. 21a-408j. Prohibitions on licensed dispensary facilities and employees and when not subject to arrest, prosecution or certain other penalties. (a) No dispensary facility or employee of the dispensary facility may: (1) Acquire marijuana from a person other than a producer from a cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, or transporter, as such terms are defined in section 21a-420; (2) transfer or transport marijuana to a person who is not (A) a qualifying

patient registered under section 21a-408d; (B) a caregiver of such qualifying patient; (C) a hospice or other inpatient care facility licensed by the Department of Public Health pursuant to chapter 368v that has a protocol for the handling and distribution of marijuana that has been approved by the Department of Consumer Protection; (D) a cannabis testing laboratory; (E) an organization engaged in a research program; (F) a delivery service, as defined in section 21a-420; or (G) a transporter, as defined in section 21a-420; or (3) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) No dispensary or employee of the dispensary facility acting within the scope of his or her employment shall be subject to arrest or prosecution or penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, distributing or dispensing marijuana pursuant to sections 21a-408 to 21a-408m, inclusive.

(P.A. 12-55, S. 11; P.A. 16-23, S. 7; P.A. 17-188, S. 1; June Sp. Sess. P.A. 21-1, S. 73; P.A. 23-79, S. 14.)

History: P.A. 16-23 amended Subsec. (a)(2) by adding Subpara. (C) re hospice or other inpatient care facility, adding Subpara. (D) re laboratory, and adding Subpara. (E) re organization engaged in a research program; P.A. 17-188 amended Subsec. (a)(2) by replacing "and" with "or"; June Sp. Sess. P.A. 21-1 amended Subsec. (a) by changing references from dispensary and licensed dispensary to dispensary facility, deleting licensed before producer, amended Subsec. (a)(1) by adding reference to various licensees defined in Sec. 21-420 in Subdiv. (1), amended Subsec. (a)(2) by replacing reference to distribute or dispense with transfer or transport, deleting reference to Sec. 21a-408n, deleting "primary" before "caregiver", adding Subpara. (F) re delivery services and Subpara. (G) re transporters and amended Subsec. (b) by deleting "licensed" before "dispensary", adding "facility" after "dispensary", making a technical change and changing reference from Sec. 21a-408n to Sec. 21a-408m; P.A. 23-79 amended Subsec. (a)(2)(D) by substituting "cannabis testing laboratory" for "laboratory", effective July 1, 2023.

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Sec. 21a-408k. Prohibitions on producers and employees and when not subject to arrest, prosecution or certain other penalties. (a) No producer or employee of the producer may: (1) Sell, deliver, transport or distribute marijuana to a person who is not (A) a cannabis establishment, (B) a cannabis testing laboratory, or (C) an organization engaged in a research program, or (2) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) No licensed producer or employee of the producer acting within the scope of such employee's employment shall be subject to arrest or prosecution or penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for cultivating marijuana or selling, delivering, transferring, transporting or distributing marijuana to a cannabis establishment, cannabis testing laboratory or research program.

(P.A. 12-55, S. 12; P.A. 16-23, S. 8; June Sp. Sess. P.A. 21-1, S. 74; P.A. 23-79, S. 15.)

History: P.A. 16-23 amended Subsec. (a)(1) by designating existing provision re licensed dispensary as Subpara. (A), adding Subpara. (B) re laboratory and adding Subpara. (C) re organization engaged in a research program; June Sp. Sess. P.A. 21-1 amended Subsec. (a) by deleting "licensed" before "producer", replacing "licensed dispensary" with "cannabis establishment" in Subdiv. (1)(A) and amended Subsec. (b) by making a technical change, adding "transferring" and replacing reference to licensed dispensaries with "cannabis establishment, laboratory or research program", effective July 1, 2021; P.A. 23-79 amended Subsecs. (a)(1)(B) and (b) by substituting "cannabis testing laboratory" for "laboratory", and made a conforming change in Subsec. (b), effective July 1, 2023.

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Sec. 21a-408*l*. Board of Physicians re palliative use of marijuana. Duties. Confidentiality of information. List of debilitating medical conditions. (a) The Commissioner of Consumer Protection shall establish a Board of Physicians consisting of eight physicians or surgeons who are knowledgeable about the palliative use of marijuana and certified by the appropriate American board in the medical specialty in which they practice, at least one of whom shall be a board certified pediatrician appointed in consultation with the Connecticut Chapter of the American Academy of Pediatrics. Four of the members of the board first appointed shall serve for a term of three years and four of the members of the board first appointed shall serve for a term of four years. Thereafter, members of the board shall serve for a term of four years and shall be eligible for reappointment. Any member of the board may serve until a successor is appointed. The Commissioner of Consumer Protection shall serve as an ex-officio member of the board, and shall select a chairperson from among the members of the board.

(b) A quorum of the Board of Physicians shall consist of four members.

(c) The Board of Physicians shall:

(1) Review and recommend to the Department of Consumer Protection for approval the debilitating medical conditions, medical treatments or diseases to be added to the list of debilitating medical conditions that qualify for the palliative use of marijuana for qualifying patients eighteen years of age or older;

(2) Review and recommend to the Department of Consumer Protection for approval any illnesses that are severely debilitating, as defined in 21 CFR 312.81(b), to be added to the list of debilitating medical conditions that qualify for the palliative use of marijuana for qualifying patients under eighteen years of age, taking into account, among other things, the effect of the palliative use of marijuana on the brain development of such patients, which recommendations shall be accepted or rejected by the commissioner in his or her discretion;

(3) Accept and review petitions to add medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;

(4) Convene as necessary to conduct public hearings and to evaluate petitions, which shall be maintained as confidential pursuant to subsection (e) of this section, for the purpose of adding medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;

(5) Review and recommend to the Department of Consumer Protection protocols for determining the amounts of marijuana that may be reasonably necessary to ensure uninterrupted availability for a period of one month for qualifying patients, including amounts for topical treatments; and

(6) Perform other duties related to the palliative use of marijuana upon the request of the Commissioner of Consumer Protection.

(d) The Board of Physicians may review the list of debilitating medical conditions that qualify for the palliative use of marijuana and make recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to general law and public health for the removal of a debilitating medical condition, medical treatment or disease from such list.

(e) Any individually identifiable health information contained in a petition received under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

(f) On and after October 1, 2021, conditions added pursuant to this section to the list of debilitating medical conditions that qualify for the palliative use of marijuana shall be posted by the commissioner on the Department of Consumer Protection's Internet web site. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, the list of debilitating medical conditions that qualify for the palliative use of marijuana shall be deemed approved and effective without further action as of the date such conditions are posted on the Department of Consumer Protection's Internet web site.

(P.A. 12-55, S. 13; P.A. 16-23, S. 9; June Sp. Sess. P.A. 21-1, S. 76.)

History: P.A. 12-55 effective May 31, 2012; P.A. 16-23 amended Subsec. (a) by deleting list of specialties and by adding provisions re certification of physicians in medical specialty in which they practice and at least one member to be board certified pediatrician, amended Subsec. (b) by increasing quorum from 3 members to 4 members, amended Subsec. (c) by adding reference to patients age 18 or older in Subdiv. (1), adding new Subdiv. (2) re review and recommendation for approval of illnesses that are severely debilitating to be added to list of debilitating medical conditions, and redesignating existing Subdivs. (2) to (5) as Subdivs. (3) to (6), added new Subsec. (d) re recommendation for removal of debilitating medical condition, medical treatment or disease from the list, and redesignated existing Subsec. (d) re individually identifiable health information as Subsec. (e); June Sp. Sess. P.A. 21-1 amended Subsec. (c) by adding provision re commissioner discretion to accept or reject conditions in Subdiv. (2) and replacing "at least twice per year" with "as necessary" in Subdiv. (4) and added Subsec. (f) re posting of list of debilitating medical conditions on the web site and being deemed approved.

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Sec. 21a-408m. Regulations re palliative use of marijuana. Policies and procedures. (a) The Commissioner of Consumer Protection may adopt regulations, in accordance with chapter 54, to establish (1) a standard form for written certifications for the palliative use of marijuana issued by physicians, physician assistants and advanced practice registered nurses under subdivision (1) of subsection (a) of section 21a-408a, and (2) procedures for registrations under section 21a-408d. Such regulations, if any, shall be adopted after consultation with the Board of Physicians established in section 21a-408*l*.

(b) The Commissioner of Consumer Protection shall adopt or amend regulations, as applicable, in accordance with chapter 54, to implement the provisions of sections 21a-408 to 21a-408g, inclusive, and section 21a-408*l*. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, in order to effectuate the purposes of sections 21a-408 to 21a-408g, inclusive, and section 21a-408*l*, and protect public health and safety, prior to adopting or amending such regulations the commissioner shall adopt policies and procedures to implement the provisions of sections 21a-408 to 21a-408g, inclusive, and section 21a-408 that shall have the force and effect of law. The commissioner shall post all policies and procedures on the department's Internet web site, and submit such policies and procedures to the Secretary of the State for posting on the eRegulations System, at least fifteen days prior to the effective date of any policy or procedure. Any such policy or procedure shall no longer be effective upon the earlier of either adoption of such policies or procedures as a final regulation pursuant to section 4-172 or forty-eight months from October 1, 2021, if such policies or procedures have not been submitted to the legislative regulation review committee for consideration under section 4-170. Such policies and procedures and regulations shall include, but not be limited to, how the department shall:

(1) Accept applications for the issuance and renewal of registration certificates for qualifying patients and caregivers;

(2) Establish criteria for adding medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;

(3) Establish a petition process under which members of the public may submit petitions, regarding the addition of medical conditions, medical treatments or diseases to the list of debilitating medical conditions;

(4) Establish requirements for the growing of cannabis plants by a qualifying patient in his or her primary residence as authorized under section 21a-408d, including requirements for securing such plants to prevent access by any individual other than the patient or the patient's caregiver, the location of such plants and any other requirements necessary to protect public health or safety;

(5) Develop a distribution system for marijuana for palliative use that provides for:

(A) Marijuana production facilities within this state that are housed on secured grounds and operated by producers;

(B) The transfer of marijuana between dispensary facilities; and

(C) Distribution of marijuana for palliative use to qualifying patients or their caregivers by dispensary facilities, hybrid retailers and delivery services, as such terms are defined in section 21a-420; and

(6) Ensure an adequate supply and variety of marijuana to dispensary facilities and hybrid retailers to ensure uninterrupted availability for qualifying patients, based on historical marijuana purchase patterns by qualifying patients.

(P.A. 12-55, S. 14; P.A. 15-244, S. 102; P.A. 16-39, S. 51; June Sp. Sess. P.A. 21-1, S. 75; P.A. 22-103, S. 16, 17.)

History: P.A. 12-55 effective May 31, 2012; P.A. 15-244 amended Subsec. (b) to substitute "General Fund" for "account established pursuant to section 21a-408q", effective July 1, 2015; P.A. 16-39 amended Subsec. (a)(1) by adding reference to advanced practice registered nurses, effective January 1, 2017; June Sp. Sess. P.A. 21-1 amended Subsec. (b) by replacing "21a-408n" with "21a-408m", amended Subsec. (c) by making technical changes, adding reference to amending regulations and provisions re adopting policies and procedures, amending Subdiv. (1) by replacing "govern the manner in which the department considers" with "accept", deleting "primary" before "caregiver", deleting provision re information to be contained in registration certificates, deleting Subdiv. (2) re protocols for determining amount of usable marijuana necessary for an adequate supply, redesignating existing Subdivs. (3) and (4) as Subdivs. (2) and (3), amending redesignated Subdiv. (3) to delete reference to manner and form prescribed in regulations, deleting former Subdiv. (5) re process for public comment and public hearings, deleting former Subdiv. (6) re list of debilitating medical conditions, adding new Subdiv. (4) re requirements for growing of cannabis plants, redesignating existing Subdiv. (7) as Subdiv. (5) and amending same to delete "licensed" in Subpara. (A), adding new Subpara. (B) re transfer of marijuana, redesignating existing Subpara. (B) as Subpara. (C) and amended redesignated Subpara. (C) by deleting "primary" before "caregivers" and replacing "licensed dispensaries" with terms defined in Sec. 21a-420 and adding new Subdiv. (6) re ensuring an adequate supply and variety and deleted former Subsec.(d) re submitting regulations by July 1, 2013; P.A. 22-103 amended Subsec. (a)(1) by adding reference to physician assistants, effective July 1, 2022, and deleted former Subsec. (b) re fees and redesignated existing Subsec. (c) as Subsec. (b), effective July 1, 2023.

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Sec. 21a-408n. Temporary registration certificates. Qualifying patients, primary caregivers and physicians not subject to arrest, prosecution or certain other penalties. Exceptions. Confidentiality of registry information. Section 21a-408n is repealed, effective July 1, 2021.

(P.A. 12-55, S. 15; P.A. 16-23, S. 15; June Sp. Sess. P.A. 21-1, S. 173.)

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Sec. 21a-408o. Health insurance coverage not affected. Nothing in sections 21a-408 to 21a-408m, inclusive, or section 21a-243 shall be construed to require health insurance coverage for the palliative use of marijuana.

(P.A. 12-55, S. 16; June Sp. Sess. P.A. 21-1, S. 138.)

History: June Sp. Sess. P.A. 21-1 changed a reference from Sec. 21a-408n to Sec. 21a-408m, effective July 1, 2021.

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Sec. 21a-408p. Treatment of student, tenant or employee due to status as qualifying patient or caregiver. (a) For the purposes of this section:

(1) "Action" has the meaning provided in section 47a-1;

(2) "Dwelling unit" has the meaning provided in section 47a-1;

(3) "Employer" means a person engaged in business who has one or more employees, including the state and any political subdivision of the state;

(4) "Landlord" has the meaning provided in section 47a-1;

(5) "Palliative use" has the meaning provided in section 21a-408;

(6) "Caregiver" has the meaning provided in section 21a-408;

(7) "Qualifying patient" has the meaning provided in section 21a-408;

(8) "School" means a public or private elementary or secondary school in this state or a public or private institution of higher education in this state; and

(9) "Tenant" has the meaning provided in section 47a-1.

(b) Unless required by federal law or required to obtain federal funding:

(1) No school may refuse to enroll any person or discriminate against any student solely on the basis of such person's or student's status as a qualifying patient or caregiver under sections 21a-408 to 21a-408m, inclusive;

(2) No landlord may refuse to rent a dwelling unit to a person or take action against a tenant solely on the basis of such person's or tenant's status as a qualifying patient or caregiver under sections 21a-408 to 21a-408m, inclusive; and

(3) No employer may refuse to hire a person or may discharge, penalize or threaten an employee solely on the basis of such person's or employee's status as a qualifying patient or caregiver under sections 21a-408 to 21a-408m, inclusive. Nothing in this subdivision shall restrict an employer's ability to prohibit the use of intoxicating substances during work hours or restrict an employer's ability to discipline an employee for being under the influence of intoxicating substances during work hours.

(c) Nothing in this section shall be construed to permit the palliative use of marijuana in violation of subsection (b) of section 21a-408a.

(P.A. 12-55, S. 17; June Sp. Sess. P.A. 21-1, S. 77.)

History: June Sp. Sess. P.A. 21-1 amended Subsec. (a) by changing the defined term from "primary caregiver" to "caregiver" in Subdiv. (6) and amended Subsec. (b) by replacing references to "primary caregiver" with "caregiver" and replacing "21-408n" with "21a-408m", effective July 1, 2021.

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Sec. 21a-408q. Palliative marijuana administration account. Section 21a-408q is repealed, effective July 1, 2015.

(P.A. 12-55, S. 19; P.A. 15-244, S. 221.)

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Sec. 21a-408r. Licensure of cannabis testing laboratories and registration of cannabis testing laboratory employees. Regulations. Fees. (a) No person may act as a cannabis testing laboratory or represent that such person is a cannabis testing laboratory unless such person has (1) obtained a license from the Commissioner of Consumer Protection pursuant to this section, or (2) obtained a license from the Department of Consumer Protection on or before June 30, 2023, as a laboratory authorized to engage in cannabis testing and such license remains active on July 1, 2023. Any person that satisfies the criteria established in subdivision (2) of this subsection shall be deemed to be a licensed cannabis testing laboratory for the duration of such prior license and, upon expiration of such prior license, such person shall be eligible to renew such expired prior license as a cannabis testing laboratory license. The fee to receive a provisional license as a cannabis testing laboratory shall be five hundred dollars, and the fee to receive a final license, or renewal of a final license, as a cannabis testing laboratory shall be one thousand dollars.

(b) Except as provided in subsection (c) of this section, no person may act as a cannabis testing laboratory employee or represent that such person is a cannabis testing laboratory employee unless such person has obtained a registration from the Commissioner of Consumer Protection pursuant to this section. Any person to whom the Department of Consumer Protection has issued laboratory employee credentials on or before June 30, 2023, shall, if such credentials remain active on July 1, 2023, and authorize such person to handle and test cannabis, be deemed to be a registered cannabis testing laboratory employee for the duration of such prior credentials and, upon expiration of such prior credentials, be eligible to renew such expired prior credentials in the manner set forth for renewing a certificate of registration as a cannabis testing laboratory employee.

(c) Prior to the effective date of regulations adopted under this section, the Commissioner of Consumer Protection may issue a temporary certificate of registration to a cannabis testing laboratory employee. The commissioner shall prescribe the standards, procedures and fees for obtaining a temporary certificate of registration as a cannabis testing laboratory employee.

(d) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to (1) provide for the licensure or registration of cannabis testing laboratories and cannabis testing laboratory employees, (2) establish standards and procedures for the revocation, suspension, summary suspension and nonrenewal of cannabis testing laboratory licenses and cannabis testing laboratory employee registrations, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182, (3) establish a registration renewal fee for each registered cannabis testing laboratory employee, provided the aggregate amount of such fees shall not be less than the amount necessary to cover the direct and indirect cost of registering and regulating cannabis testing laboratory employees in accordance with the provisions of this chapter, (4) establish procedures by which cannabis testing laboratories shall accept marijuana samples from caregivers, qualifying patients and consumers for testing, and (5) establish other licensing, registration, renewal and operational standards deemed

necessary by the commissioner. For the purposes of this subsection, "consumer" has the same meaning as provided in section 21a-420.

(e) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

(P.A. 16-23, S. 10; June Sp. Sess. P.A. 21-1, S. 78; P.A. 23-79, S. 16.)

History: June Sp. Sess. P.A. 21-1 added new Subsec. (a) re licensure of laboratories and redesignated existing Subsecs. (a) to (d) as Subsecs. (b) to (e), amended redesignated Subsec. (b) to make a technical change, delete "licensed" before "laboratory employee" and replace "license" with "registration", amended redesignated Subsec. (d) to add "or registration" in Subdiv. (1), add "licenses" after "laboratory" and replace "licenses" with "registrations" in Subdiv. (2), add references to "registration" or "registering" in Subdivs. (3) and (4) and to change "licensed" to "registered" in Subdiv. (3); P.A. 23-79 amended Subsec. (a) by substituting "cannabis testing laboratory" for "laboratory", deleted former Subsec. (a)(2), added new Subsec. (a)(2) re eligibility and fees for cannabis testing laboratory license, amended Subsec. (b) by substituting "cannabis testing laboratory employee" for "laboratory employee" and adding provisions re persons to whom Department of Consumer Protection has issued laboratory employee credentials on or before June 30, 2023, amended Subsec. (c) by substituting "cannabis testing laboratory employee" for "laboratory employee", and amended Subsec. (d) by substituting "cannabis testing laboratory" for "laboratory" and "cannabis testing laboratory employee" for "laboratory employee", adding Subdiv. (4) re procedures for cannabis testing laboratories to accept marijuana samples from caregivers, qualifying patients and consumers for testing, redesignating existing Subdiv. (4) as Subdiv. (5) and adding definition of "consumer" and making technical and conforming changes, effective July 1, 2023.

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Sec. 21a-408s. Prohibitions for cannabis testing laboratories and cannabis testing laboratory employees and when not subject to arrest or certain other penalties. Cannabis testing laboratories to be independent. Security and safeguard requirements. (a) No cannabis testing laboratory or cannabis testing laboratory employee may (1) acquire marijuana from a person other than (A) a cannabis establishment or an organization engaged in a research program, or (B) a caregiver, a qualifying patient or a consumer, as defined in section 21a-420, providing a marijuana sample under regulations adopted by the Commissioner of Consumer Protection pursuant to subsection (d) of section 21a-408r, (2) deliver, transport or distribute marijuana to (A) a person who is not a cannabis establishment from which the marijuana was originally acquired by the cannabis testing laboratory or cannabis testing laboratory employee, or (B) an organization not engaged in a research program, or (3) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) (1) No cannabis testing laboratory employee acting within the scope of such cannabis testing laboratory employee's employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, delivering, transporting or distributing marijuana to a cannabis establishment or an organization engaged in an approved research program under the provisions of this chapter.

(2) No cannabis testing laboratory shall be subject to prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty or denied any right or privilege, for acquiring, possessing, delivering, transporting or distributing marijuana to a cannabis establishment or an organization engaged in an approved research program under the provisions of this chapter.

(c) A cannabis testing laboratory shall be independent from all other persons involved in the marijuana industry in Connecticut, which shall mean that no person with a direct or indirect financial, managerial or

controlling interest in the cannabis testing laboratory shall have a direct or indirect financial, managerial or controlling interest in a cannabis establishment or any other entity that may benefit from the laboratory test results for a cannabis or marijuana sample or product.

(d) (1) Except as provided in subdivision (2) of this subsection, a cannabis testing laboratory shall maintain all minimum security and safeguard requirements for the storage of handling of controlled substances as a laboratory that is licensed to provide analysis of controlled substances pursuant to section 21a-246 and any regulations adopted thereunder.

(2) The department may waive any minimum security or safeguard requirement described in subdivision (1) of this subsection if (A) a cannabis testing laboratory submits to the department, in a form and manner prescribed by the department, a written request for such waiver that proposes an alternative requirement that provides public health and safety protections that are equal to or greater than the protections provided by such minimum security or safeguard requirement, and (B) the department (i) reviews such request to assess the potential for product diversion, theft and criminal activity under such proposed alternative requirement and the likely impact that waiving such minimum security or safeguard requirement will have on public health and safety, (ii) determines, in the department's discretion, that such proposed alternative requirement would provide equal or greater protection for public health and safety, and (iii) issues such waiver in writing.

(P.A. 16-23, S. 11; June Sp. Sess. P.A. 21-1, S. 80; P.A. 23-79, S. 17.)

History: June Sp. Sess. P.A. 21-1 replaced references to licensed producer and licensed dispensary with "cannabis establishment" throughout, amended Subsec. (a) by adding "laboratory" and deleting former Subpara. (B) re licensed producer and redesignating existing Subpara. (C) as Subpara. (B) in Subdiv. (2), added Subsec. (c) re laboratories to be independent and added Subsec. (d) re security and safeguard requirements, effective July 1, 2021; P.A. 23-79 amended Subsec. (a) by substituting "cannabis testing laboratory" for "laboratory" and "cannabis testing laboratory employee" for "employee", amended Subsec. (a)(1) by designating existing provisions re cannabis establishment or organization engaged in research program as Subpara. (A) and adding Subpara. (B) re caregiver, qualifying patient or consumer providing marijuana sample under regulations adopted by Commissioner of Consumer Protection, amended Subsec. (b) by substituting "cannabis testing laboratory employee" for "laboratory employee" and made a technical and conforming change, amended Subsecs. (c) and (d) by substituting "cannabis testing laboratory" for "laboratory", and further amended Subsec. (d) by designating existing provisions as Subdiv. (1), adding reference to Subdiv. (2) in Subdiv. (1) and adding Subdiv. (2) re waiver of minimum security requirements described in Subdiv. (1), effective July 1, 2023.

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Sec. 21a-408t. Research programs. Approval. Registration of employees. Regulations. Fees. (a) The Commissioner of Consumer Protection may approve a research program if such research program will (1) be administered or overseen by (A) a hospital or health care facility licensed by the Connecticut Department of Public Health pursuant to chapter 368v, (B) an institution of higher education, as defined in section 10a-55, (C) a producer, micro-cultivator, cultivator, food and beverage manufacturer product packager or product manufacturer, as such terms are defined in section 21a-420, or (D) a dispensary facility, hybrid retailer or retailer, as such terms are defined in section 21a-420, and (2) have institutional review board oversight and, if the research program involves the use of animals, have an institutional animal care and use committee.

(b) Except as provided in subsection (c) of this section, no person may act as a research program employee or represent that such person is a registered research program employee unless such person has obtained a registration from the Commissioner of Consumer Protection pursuant to this section.

(c) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to (1) provide for the approval of research programs and registration of research program employees, (2) establish standards and procedures for the termination or suspension of a research program, (3) establish standards and procedures for the revocation, suspension, summary suspension and nonrenewal of a research program employee registration, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182, (4) establish a (A) fee for research program review and approval, and (B) registration and renewal fee for each research program employee, provided the aggregate amount of such fees shall not be less than the amount necessary to cover the direct and indirect cost of approving research programs and registering and regulating research program employees pursuant to the provisions of this chapter, and (5) establish other licensing, registration, renewal and operational standards deemed necessary by the commissioner.

(d) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

(P.A. 16-23, S. 12; June Sp. Sess. P.A. 21-1, S. 79.)

History: June Sp. Sess. P.A. 21-1 amended Subsec. (a)(1) by deleting "licensed" before "producer" and adding references to licensees defined in Sec. 21a-420 in Subpara. (C), changing "licensed dispensary" to "dispensary facility" and adding references to hybrid retailer and retailer in Subpara. (D), amended Subsec. (b) by changing "licensed" and "license" to "registered" and "registration", deleted former Subsec. (c) re temporary certificate of registration, redesignated existing Subsecs. (d) and (e) as Subsecs. (c) and (d) and amended redesignated Subsec. (c) by replacing references to "license" and "licensing" with "registration" and "registering", effective July 1, 2021.

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Sec. 21a-408u. Prohibitions for research programs and employees and when not subject to arrest, prosecution or certain other penalties. (a) No research program or research program employee may (1) acquire marijuana from a person other than a cannabis establishment or cannabis testing laboratory, (2) deliver, transport or distribute marijuana to a person who is not (A) a cannabis establishment, (B) a cannabis testing laboratory, or (C) a research program subject, (3) distribute or administer marijuana to an animal unless such animal is an animal research subject, or (4) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) No research program employee acting within the scope of such research program employee's employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, delivering, transporting or distributing marijuana to a cannabis establishment or cannabis testing laboratory, or a research program subject or distributing or administering marijuana to an animal research subject under the provisions of this chapter.

(P.A. 16-23, S. 13; June Sp. Sess. P.A. 21-1, S. 81; P.A. 23-79, S. 18.)

History: June Sp. Sess. P.A. 21-1 replaced references to "licensed producer" and "licensed dispensary" with "cannabis establishment or laboratory" and amended Subsec. (a)(1)(B) to replace "licensed producer" with "laboratory", effective July 1, 2021; P.A. 23-79 amended Subsecs. (a)(1), (a)(2)(B) and (b) by substituting "cannabis testing laboratory" for "laboratory", and made a technical change in Subsec. (b), effective July 1, 2023.

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Sec. 21a-408v. Research program subjects not subject to arrest, prosecution or certain other penalties. Registration. Exceptions. Confidentiality of information. (a) Any person seeking to participate as a research program subject shall register with the Department of Consumer Protection prior to participating in an approved research program. The Commissioner of Consumer Protection shall prescribe the standards and procedures for obtaining a certificate of registration as a research program subject.

(b) A research program subject who has a valid registration certificate from the Department of Consumer Protection and is acting within the scope of his or her involvement in an approved research program shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the use of marijuana.

(c) The provisions of subsection (b) of this section do not apply to:

(1) Any use of marijuana that endangers the health or well-being of a person other than the research program subject or a research program employee; or

(2) The ingestion of marijuana (A) in a motor bus or a school bus or in any other moving vehicle, (B) in the workplace, (C) on any school grounds or any public or private school, dormitory, college or university property unless such college or university is participating in a research program and such use is pursuant to the terms of the research program, (D) in any public place, or (E) in the presence of a person under eighteen years of age unless such person is a qualifying patient or research program subject. For purposes of this subdivision, (i) "presence" means within the direct line of sight of the palliative use of marijuana or exposure to second-hand marijuana smoke, or both; (ii) "public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests; (iii) "vehicle" means a vehicle, as defined in section 14-1; (iv) "motor bus" means a motor bus, as defined in section 14-1; and (v) "school bus" means a school bus, as defined in section 14-1.

(d) Information obtained under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that reasonable access to registry information obtained under this section shall be provided to (1) state agencies, federal agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law, (2) physicians and pharmacists for the purpose of providing patient care and drug therapy management and monitoring controlled substances obtained by the research program subject, (3) public or private entities for research or educational purposes, provided no individually identifiable health information may be disclosed, (4) a licensed dispensary for the purpose of complying with sections 21a-408 to 21a-408m, inclusive, or (5) a research program subject, but only with respect to information related to such research program subject.

(P.A. 16-23, S. 14; June Sp. Sess. P.A. 21-1, S. 139.)

History: June Sp. Sess. P.A. 21-1 amended Subsec. (d) to change a reference from Sec. 21a-408n to Sec. 21a-408m, effective July 1, 2021.

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Sec. 21a-408w. Mandatory testing of marijuana samples. Method. Repetition and remediation. (a) Each cannabis establishment shall submit marijuana samples to a cannabis testing laboratory for testing as set forth in subsection (b) of this section.

(b) (1) A cannabis testing laboratory shall test each marijuana sample submitted pursuant to subsection (a) of this section (A) for microbiological contaminants, mycotoxins, heavy metals and pesticide chemical residue, and (B) for purposes of conducting an active ingredient analysis, if applicable.

(2) Microbiological contaminant testing conducted pursuant to subparagraph (A) of subdivision (1) of this subsection shall include, but not be limited to, microbiological contaminant testing for Aspergillus species as set forth by the Department of Consumer Protection and posted on the department's Internet web site.

(c) When conducting microbiological testing as set forth in subsection (b) of this section, the marijuana sample shall be tested by using (1) a molecular method that (A) includes quantitative polymerase chain reaction, (B) is certified for identifying microbiological DNA, and (C) is approved by (i) the Association of Official Analytical Collaboration International, or (ii) a comparable national or international standards organization designated by the Commissioner of Consumer Protection, or (2) an alternative testing method approved by the Department of Consumer Protection and posted on the department's Internet web site.

(d) If a marijuana sample does not pass the testing set forth in subsection (b) of this section, the cannabis establishment that submitted such failing marijuana sample to the cannabis testing laboratory shall:

(1) Repeat testing as set forth in subsections (a) and (b) of this section on the marijuana batch from which such marijuana sample was taken, in a form and manner approved by the Department of Consumer Protection. If all repeated testing yields satisfactory results, the marijuana batch from which the marijuana samples were taken shall be released for sale;

(2) If such cannabis establishment submits to the Commissioner of Consumer Protection a remediation plan that is sufficient to ensure public health and safety, and the commissioner approves such remediation plan, remediate the marijuana batch from which such marijuana sample was taken and repeat all testing as set forth in subsections (a) and (b) of this section on such remediated marijuana batch, in a form and manner approved by the Department of Consumer Protection. If all repeated testing yields satisfactory results, the marijuana batch from which the marijuana samples were taken shall be released for sale; or

(3) If such cannabis establishment does not comply with subdivision (1) or (2) of this subsection, or if any subsequent laboratory testing does not yield satisfactory results for the testing set forth in subsections (a) and (b) of this section, dispose of the entire marijuana batch from which the marijuana sample was taken in accordance with procedures established by the Commissioner of Consumer Protection, as published on the Department of Consumer Protection's Internet web site.

(e) For purposes of the testing set forth in subsections (a) and (b) of this section, the quantity and number of marijuana samples taken shall be sufficient to ensure representative sampling of the corresponding marijuana batch size.

(P.A. 24-76, S. 3.)

History: P.A. 24-76 effective July 1, 2024.

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Sec. 21a-409. Manufacture, marketing, cultivation and storage of hemp and hemp products. (a) As used in this section, "producer" has the same meaning as provided in section 21a-408 and "manufacture", "market", "cultivate", "hemp", "hemp products", "manufacturer hemp products" and "producer hemp products" have the same meanings as provided in section 22-61*l*. Any producer licensed pursuant to section 21a-408 shall manufacture, market, cultivate or store hemp and manufacturer hemp products in accordance with the provisions of this chapter and any regulations adopted pursuant to this chapter. Producers may obtain hemp and manufacturer hemp products from a person authorized under the laws of this state or another state, territory or possession of the United States or another sovereign entity to possess and sell such hemp and manufacturer hemp products.

(b) Hemp or manufacturer hemp products purchased by producers from third parties shall be tracked as a separate batch throughout the manufacturing process in order to document the disposition of such hemp or manufacturer hemp products. Hemp or manufacturer hemp products obtained, manufactured, marketed, cultivated or stored by a producer shall be deemed marijuana and shall comply with the requirements for marijuana contained in the applicable provisions of the general statutes and any regulations adopted pursuant to such provisions. Producers shall retain a copy of the certificate of analysis for purchased hemp or manufacturer hemp products and invoice and transport documents that evidence the quantity purchased and date received.

(c) (1) No hemp or producer hemp products shall be sold or distributed within a dispensary facility that is licensed pursuant to this chapter.

(2) Notwithstanding subdivision (1) of this subsection, manufacturer hemp products may be sold within a dispensary facility that is licensed pursuant to this chapter, provided such manufacturer hemp products are:

(A) Stored separately from marijuana;

(B) Separated, by a physical separation, from marijuana in any display area;

(C) Displayed with signage approved by the department;

(D) Tested by a laboratory that meets the standards for accreditation and testing, and sampling methods, set forth for an independent testing laboratory in section 22-61m, which laboratory may be located outside of this state;

(E) Clearly labeled to distinguish the product as (i) a manufacturer hemp product, (ii) subject to different testing standards than cannabis or marijuana, and (iii) not cannabis or marijuana; and

(F) Sold in accordance with this chapter, chapter 424 and any regulations adopted pursuant to said chapters.

(P.A. 21-37, S. 53; P.A. 23-166, S. 1.)

History: P.A. 21-37 effective July 1, 2021; P.A. 23-166 amended Subsec. (a) by adding definition of "producer hemp products", amended Subsec. (c) by designating existing provisions as Subdiv. (1) and adding reference therein to producer hemp products and adding Subdiv. (2) re sale of manufacturer hemp products in dispensary facilities, and made technical and conforming changes in Subsecs. (a) to (c)(1), effective July 1, 2023.

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Sec. 21a-410. Notification to Attorney General of material change to a medical marijuana business. Waiting period. Exemption from disclosure. (a) For purposes of this section:

(1) "Material change" means: (A) The addition of a dispensary facility backer or producer backer, (B) a change in the ownership interest of an existing dispensary facility backer or producer backer, (C) the merger, consolidation or other affiliation of a medical marijuana business with another person, (D) the acquisition of all or part of a medical marijuana business by another person, and (E) the transfer of assets or security interests from a medical marijuana business to another person;

(2) "Medical marijuana business" means a medical marijuana dispensary facility or production facility, licensed pursuant to this chapter and the regulations adopted under this chapter;

(3) "Person" means an individual, firm, partnership, corporation, company, association, trust or other business or tribal entity; and

(4) "Transfer" means to sell, transfer, lease, exchange, option, convey, give or otherwise dispose of or transfer control over, including, but not limited to, transfer by way of merger or joint venture not in the ordinary course of business.

(b) No person shall, directly or indirectly, enter into a transaction that results in a material change to a medical marijuana business, unless all persons involved in the transaction file a written notification with the Attorney General pursuant to subsection (c) of this section and the waiting period described in subsection (d) of this section has expired.

(c) The written notice required under subsection (b) of this section shall be in such form and contain such documentary material and information relevant to the proposed transaction as the Attorney General deems necessary and appropriate to enable the Attorney General to determine whether such transaction, if consummated, would violate antitrust laws.

(d) The waiting period required under subsection (b) of this section shall begin on the date of the receipt by the office of the Attorney General of the completed notification required under subsection (c) of this section from all parties to the transaction and shall end on the thirtieth day after the date of such receipt, unless such time is extended pursuant to subsection (f) of this section.

(e) The Attorney General may, in individual cases, terminate the waiting period specified in subsection (d) of this section and allow any person to proceed with a transaction.

(f) The Attorney General may, prior to the expiration of the thirty-day waiting period, require, pursuant to a subpoena or voluntarily, the submission of additional information or documentary material relevant to the proposed transaction from a person required to file notification with respect to such transaction under subsection (b) of this section. Upon request for additional information under this subsection, the waiting period shall be extended until thirty days after the parties have substantially complied, as determined solely by the Attorney General, with such request for additional information.

(g) Any information or documentary material filed with the Attorney General pursuant to this section shall not be disclosed pursuant to subsection (c) of section 35-42 and, shall be exempt from disclosure under the Freedom of Information Act, as defined in section 1-200, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Such information or documentary material shall be returned to the person furnishing such information or documentary material upon the termination of the Attorney General's review or final determination of any action or proceeding commenced thereunder.

(P.A. 21-37, S. 49.)

History: P.A. 21-37 effective July 1, 2021.

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Secs. 21a-411 to 21a-414. Reserved for future use.

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